

ORIGINAL

JAMES RIVER BASIN
INFORMAL FACT-FINDING HEARING

September 20th, 2000

10:00 a.m.

City Hall

900 East Broad Street
Second Floor Council Chambers
Richmond, Virginia

Reported by
Debra L. Johnson, RPR

PANEL MEMBERS

Bill Sorrentino
Mark Mansfield
Brian Rheinhart

I N D E X

E X H I B I T S

Workshop Sponsored by Norfolk District

1998 James River Basin Assoc. Annual Report

1 SEPTEMBER 20, 2000

2 BILL SORRENTINO: Good morning.
3 We're a quiet group. Good morning. I would like to
4 introduce myself. I'm Bill Sorrentino with the U.S.
5 Army Corp of Engineers out of the Norfolk, Virginia
6 office, and I'm very happy to be here today.

7 My role with the Corp of Engineers is
8 that of the Chief of the Technical Services Division.
9 What does that mean. I'm responsible for the group of
10 folks that put together the products of the planning,
11 engineering, construction, operations, regulatory
12 readiness, the group that actually produces products
13 that then what we use to further facilitate a study or
14 design something or build something. I report directly
15 to the district engineer. So what you have here today
16 is one of the senior leaders from the Norfolk District
17 Corp of Engineers.

18 Today we're here to talk about water
19 resource concerns in the James River watershed with the
20 idea of a possible future study to address those
21 concerns. So it's a great opportunity for the Corp of
22 Engineers to listen to what you all have to say about
23 water resource needs in the James River watershed.

24 Now, your concerns may include some
25 of the following things like water supply and

1 distribution, water quality, environmental restoration
2 sort of concerns, recreation, flood damage reduction,
3 navigation, hydroelectric power, anything to do with
4 water within the James River watershed in that basin is
5 what we are all here to listen to and to hear your
6 concerns about. So we really are very much a receive
7 note. It's your opportunity to let us know what you
8 think. Based on those concerns, the Corp of Engineers
9 will see what possible solutions we might be able to
10 bring to your concerns.

11 I want to introduce a couple other
12 folks that are with me here today that most certainly
13 are here to listen and then maybe later in the day and
14 based on what our facilitator does we may actually end
15 up doing a little bit of dialogue. We'll just see how
16 the time goes. With me today is Brian Rheinhardt. Brian
17 is the project manager for any future study and project
18 that may result from our information and dialogue. Mark
19 Mansfield is an expert in our planning branch and brings
20 an awful lot of expertise and may be able to answer some
21 of the questions that come out here today.

22 Also from the Corp of Engineers, a
23 couple of guys in the front row there, Wayne Hashiro.
24 Wayne is in charge of our engineering function with the
25 Corp. Ron Vann. Ron represents both planning and

1 operations. Our civil works program manager, Jeff
2 Irvin, who is not a new person to the City of Richmond.
3 Jeff is very instrumental in being the project manager
4 for your Richmond floodwall. Charlie, where are you at?
5 Is it working?

6 CHARLES L. DUNN: So for. We haven't
7 had any problems.

8 BILL SORRENTINO: Good. Our
9 facilitator today is Kristin Arnold. Let me tell you
10 something about Kristin. I just had the opportunity two
11 days ago to meet and work with her on another
12 facilitated project we're working on. She's an
13 accomplished author of several impressionable articles
14 and books. She is regarded as an expert in team
15 development. She's going to help guide us through a
16 facilitated workshop here. She's active in a number of
17 professional communities. The list runs -- oh, jeez.
18 I've got 30 of them here, so I'll just skip right over
19 that. I can tell you from personal experience you did a
20 great job the other day, and I'll turn this over to you
21 at this point. Kristin.

22 KRISTIN J. ARNOLD: Thank you, Bill.
23 As Bill mentioned, this is an opportunity for the Corp
24 to listen to your concerns about the James River -- what
25 does it say there? To identify your water resource

1 concerns in the James River watershed. This is really
2 where our focus is, to listen, and then after we've
3 heard your concerns about the James River watershed,
4 your water concerns, then we'll maybe have an
5 opportunity for some questions and answers.

6 Where we go from here is we take
7 those concerns, and the Corp will then take a look at
8 some of your questions, answer those that they can and
9 then post those concerns on the web site and then make
10 some further recommendations. So this is a perfect
11 opportunity for you to voice your opinion, your concern
12 for your community, your stakeholders or speak for
13 yourself.

14 The process that we're going to use
15 is -- unfortunately, we're restricted with the judicial
16 process of council chambers. Actually, it's a good
17 process, but it's a little formal, and the process goes
18 something like this. If you have something that you
19 would like to say, a comment that you would like to post
20 for the record, you come on up here, and you speak into
21 the microphone. The first thing you say is your name,
22 your organization or who you represent and then state
23 your comment or concern. There really isn't any
24 response to that.

25 We have a court reporter who is

1 transcribing so that we have the literal statement of
2 what you're saying, and then that will be then used to
3 see where the themes and patterns emerge. Then the next
4 person comes up and makes their comment and concern, and
5 then when we've heard from everyone, then we'll kind of
6 see what themes are out there and see if there's any
7 questions for the Corp. Does that sound like a good
8 process, one that will work?

9 We're going to go until we're done.
10 We started probably around 10:00. There might be some
11 other folks that run in a little late because of that
12 wonderful tractor trailer that jackknifed right on 95.
13 There might be some folks that straggle on in.

14 If you have not signed in on the
15 sign-up sheet outside, if you could make sure before you
16 leave to make sure that you signed up because we would
17 like to know who your attendance is. Okay. So on that
18 happy note, we're looking at identifying your water
19 resource concerns for the James River basin. Would
20 someone like to start the discussion? Concerns, issues?
21 Come on down. The price is right.

22 CHARLES L. DUNN: Charles Dunn,
23 Floodwall Coordinator for the City of Richmond.

24 Although the Corp has been most
25 generous in assisting the City in the development of the

1 floodwall project downtown and at the water filtration
2 plant, we certainly are in a position where we would
3 like to encourage as much as possible construction on
4 Hipes Dam on Craig Creek. This additional facility
5 would help control floods along the James River as much
6 as Gathright Dam does now, and it is imperative that we
7 try to continue to do what we can to control the
8 increasing runoff that occurs upstream.

9 We do have areas in the city that are
10 still not flood protected. We have protected downtown,
11 the South Side and the filtration plant, but we must
12 continue to find ways to help protect other parts of the
13 city that do continue to flood. Thank you.

14 KEITH BURGESS: I'm Keith Burgess.
15 One question is as our counties continue to develop, we
16 are trying to determine whether or not local versus
17 regional storm water management facilities would work
18 best for local flood control. Not that we have a lot of
19 flooding, but as the previous speaker just mentioned,
20 we're sending water to Richmond, and we're starting to
21 develop some storm water management facilities. Just
22 need to know what's going to work best in our presently
23 rural but fastly urbanizing communities.

24 ALLEN MILLER: I'm Allen Miller. I'm
25 the Maintenance Director for a small community of Lake

1 Monticello in Fluvanna County.

2 We've got several concerns, one of
3 which is the primary water quality is a concern with
4 development, particularly in the watershed. We're
5 seeing a lot more higher flooding, and we're seeing a
6 lot more siltation in the water. The other concern that
7 we have not just in our community but it appears to be
8 in the entire county is water use and water quality for
9 water use both for commercial and residential use.

10 TERRELL J. REID: I'm Terry Reid,
11 president of James River Basin Association and also
12 Utilities for the City of Lynchburg.

13 As an association, we're made up of a
14 cross-section of users of the water in the James River,
15 both industries and municipalities located from the
16 headwaters down to the coast. A little bit more about
17 our history. Back when we were formed in 1958, our
18 primary purpose in 1958 was to look at wise use and
19 conservation of the James River as one of our best
20 natural resources. Our mission is still the same.

21 In the early '60s, we lobbied hard
22 for a project to provide flood protection and water
23 supply addition for the James River, which was the
24 Gathright project. I think the benefits of the
25 Gathright project have been very much realized in the

1 last 10 to 20 years since its operation. I think most
2 recently during the last several years when we had the
3 last major drought in Virginia.

4 The Commonwealth has a large history
5 or history of droughts, particularly in the James River.
6 We go back to the '30s, the '40s, the '60s and the '80s
7 and then most recently the drought that we experienced
8 the last two years in '98 and '99, which, by the way, we
9 just started getting some relief from in the last couple
10 of months in the James River basin.

11 To give you a little bit of a
12 comparison, the 1980 drought was the least severe and
13 had the shortest duration, but again, I think what we
14 have seen is, again, we have those types of droughts
15 every year. Putting the '98 and '99 drought in
16 perspective in comparison with the '80-82 drought, the
17 James River, particularly here in Richmond, experienced
18 its low-flow conditions, probably its most severe
19 low-flow conditions. I think many people in the
20 audience from the Richmond area would testify to that.
21 You could walk across the river in most places. It was
22 a very pitiful sight to see. I guess the point of
23 talking about those different droughts is that you can
24 see the reoccurrence of these are every 10, 15, 20 years
25 and probably on the average of 20 to 30 years.

1 The most recent drought had a very
2 serious impact on water supply, which most of us are in
3 the business of. Over a hundred communities in the
4 State of Virginia went into water conservation plans,
5 some of them mandatory. My locality is very close to
6 Roanoke. Even though Roanoke is not in the James River
7 basin, it's right across the mountain ridge there.
8 Roanoke was in a condition where their reservoir was
9 down to all-time record levels. They were in mandatory
10 conservation for I think it was eight to nine months and
11 just recently in the spring of this past year got out of
12 that situation.

13 We also recognized during '99, fall
14 of '99, many of us around the state met with the State
15 and with representatives of the Corp to see what could
16 be done recognizing that of the 600 CFS's that we were
17 seeing here in the Richmond area, approximately 200 of
18 that or more was coming from the Gathright project.
19 Again, showing the significance of a project, a
20 reservoir such as Gathright and the headwaters of the
21 dam and what impact that had.

22 The Richmond area, again, like the
23 other hundred communities, went into water conservation.
24 They have a corp permit and regional agreements for the
25 intakes of Henrico, City of Richmond, the Canal project

1 and others have that plan, and whoever reaches such
2 low-flow conditions that they will go into water
3 conservation.

4 During the meeting with the Corp and
5 other representatives of the State, it was recognized
6 that some operation changes in the Gathright project or
7 some releases might be the right thing to do at the time
8 to give us some relief to preserve the water that was
9 there and maybe make sure that we had releases that
10 would allow continual supplementation if we went through
11 this drought another year.

12 I think all of us at the meeting
13 recognize the benefits of a project like that not only
14 for water supply but, again, for the water quality
15 benefits that it brings to the area of the river when
16 the additional flows are there. Many members of the
17 State DEQ were concerned, gamesman and fisheries were
18 concerned about the stressing of aquatic life in those
19 low-flow conditions both below the dam and here in the
20 Richmond area.

21 So we think that we would like to see
22 the Corp, and we've had several conversations with Brian
23 and others, that we would like to see a water supply
24 study done which would incorporate all of the things I
25 see listed on the chart, recreation, water quality

1 benefits, and, particularly, water supply.

2 We think that there are two things
3 that need to be examined very quickly with a study of
4 this nature. Something, first off, an immediate action
5 to get us through another short-term drought condition
6 like we experienced back here in the last two years. We
7 would like to see a review of the operational plan of
8 the Gathright project. Many of us got into looking at
9 the specifics of the Gathright project during this last
10 drought and realized that there is a great potential for
11 more water storage in that facility. I think that the
12 normal pool elevations are down about 70 feet from the
13 top of the dam. Possibly some additional storage of
14 several feet could be done there and possibly look at
15 the releases, particularly during drought conditions.

16 We think a more long-term approach is
17 also needed given that these droughts reoccur on a
18 regular cycle and with the growth and the dependence on
19 the James River for that growth in the metropolitan
20 Richmond area, as well as Lynchburg, as well as the
21 industries located along the river. We think this
22 condition is only going to get worse. We've got some
23 new intakes at Henrico. There's additional pressure for
24 water. The area of Hanover is very fastly growing,
25 Goochland. It's only going to get worse.

1 Looking back at the Gathright, the
2 history of the Gathright project, it took from the time
3 that the association was formed and plans were studied
4 for looking at a project like Gathright, it took almost
5 30 years for that facility to be authorized, designed
6 and constructed and water to fill up the reservoir. I
7 would state to you if we wait another 20 or 30 years
8 until we have another one of these events it's going to
9 be too late. We will have a situation upon us where not
10 only will we be in water conservation, there will be
11 citizens without water, and we will have great economic
12 downturns because there is not water there for our
13 industries to use.

14 It's interesting. On the projects
15 that was looked at, there were five or six sites looked
16 at back in the time Gathright was looked at and shortly
17 after that. We think some of them had very much promise
18 and should be revisited. A lot of the legwork is
19 already done. A lot of the data is already there. One
20 of the projects we looked at very carefully was the --
21 lobby for was the Hipes project located on Craig Creek
22 in Botetourt County. My understanding in reading the
23 old studies was that was a viable project had it not
24 been some concerns expressed by the EPA about Clean
25 Water Act and the possibility of non-benefits of water

1 quality from a dam project.

2 I think one other thing that was
3 overlooked during that study even though the studies
4 talks about additional water supply for the Roanoke
5 Valley that this project could bring, I think it failed
6 to look at the benefits that it could bring to
7 localities located along the river, particularly in the
8 metropolitan Richmond area.

9 So we're not saying Hipes is a
10 project. There are five or six other sites evaluated
11 that showed promise that we would like to see revisited,
12 as well as any other off-site storage facility that may
13 be available along the James River. I would say to you
14 that if we wait another 20 to 30 years when we're in a
15 drought cycle, again, it'll be too late. So we urge you
16 to focus in on this study and focus in on water supply
17 incorporating all of the benefits that a project such as
18 another major reservoir could help with floods, with
19 water quality benefits, with recreation, cold water
20 fisheries, all the economic benefits of a project like
21 that would bring along with water supply. Thank you.

22 MARK MANSFIELD: I guess I would like
23 to react to something that Mr. Reid mentioned. For
24 those of you who don't really have a knowledge or a
25 working relationship with the Corp of Engineers and what

1 it is about, just a little bit about some of the things
2 that we see in the James River basin almost every day
3 and I guess really are the basis for us being here today
4 is to try to understand what your individual problems
5 and needs are.

6 The basin, as you all know, is about
7 one-quarter of the area of the State of Virginia, and it
8 also is the home for about 3 million people currently.
9 As Terry Reid indicated, the projections are that this
10 area is going to be continuing to grow both in terms of
11 the needs and also in terms of the problems that will be
12 generated around those needs.

13 The James River basin is a little bit
14 unique in that it covers a lot of geopolitical
15 boundaries. I was looking at a map just the other day
16 trying to get prepared for this meeting, and of the 11
17 congressional districts in the State of Virginia,
18 actually nine of them are touched by one or more of the
19 counties in the basin. That's a unique opportunity for
20 support for federal interests in these times where we're
21 trying to match up your needs with federal programs. It
22 also means that there may be an opportunity for other
23 federal agencies that might want to partner with the
24 Corp of Engineers and local sponsors to try to solve
25 some of your problems and needs.

1 It seems that the Corp of Engineers
2 these days is very much moving toward comprehensive type
3 studies that look at a number of problems and needs and
4 try to recommend solutions that we can work together
5 with you to help solve rather than single purpose type
6 projects. So it's very important for us to hear today
7 anything that you may feel like is on your mind.
8 Anything is really open for discussion as far as the
9 problems and needs.

10 This particular meeting is funded by
11 the federal government for that very purpose to find out
12 what the federal interest is in trying to help solve
13 some of your problems. Please, any questions or an
14 opportunity that you have to share with us things that
15 you would like to see looked at, it would really help us
16 then to begin putting a lasso around what types of
17 programs, federal programs, that might help you.

18 Kind of consider us a door, if you
19 will, to the federal government. We will try to bring
20 the resources of any federal agency that might help in
21 solving your problems and needs. So just a little bit
22 of an overview of the types of things, what we're about
23 today and please share with us anything that is on your
24 mind.

25 ROBERT WICHSER: Good morning. My

1 name is Bob Wichser. I represent the City of Richmond
2 Utilities Department.

3 We would like to enter into the
4 record that the City of Richmond Utilities Department
5 supports 100 percent the James River Basin Association
6 request and information that was just presented to you,
7 Mr. Sorrentino. Our concerns are based, really, on a
8 number of different issues but primarily the safe and
9 adequate supply of water to our customers along with the
10 potential impacts of our permits which require a minimum
11 in-stream flow.

12 So we specifically request that you
13 do consider reviewing an operational plan that could
14 address more quickly releases and possibly pool
15 elevations. Also we request, as the James River Basin
16 Association did, feel free to look at the Hipes Dam
17 project again and possibly look at other potential
18 sites. Again, we're very concerned with providing safe
19 and adequate works for our customers and potential
20 impacts of our requirements for minimum in-stream flow.
21 Thank you.

22 KRISTIN J. ARNOLD: Other concerns,
23 comments?

24 MARK MANSFIELD: I guess, Kristin, if
25 I could, a couple of other things maybe just in the way

1 of resources for you today. Down in front there are
2 some boards that indicate some, maybe, potential
3 purposes or needs that you might have.

4 What I'm hearing up until now through
5 the four or five speakers that we've heard is an
6 interest in water quality, certainly, and water supply
7 in terms of safe and adequate drinking facilities both
8 for residential and commercial. I've heard a little bit
9 of discussion about flood controls. So that seems to be
10 an interest in flood control. How about some of the
11 other purposes that you may be interested in and having
12 some assistance on? For example, would there be any
13 opportunities for the environment? Would there be any
14 restoration type opportunities in any of the counties or
15 cities or even organizations that you might represent?
16 Do you see any other areas that you have a need in?
17 Navigation might be another area. We did mention flood
18 control. Are there any other areas that you feel like
19 might need to be looked at?

20 STEPHEN BOWLER: I'm Steven Bowler.
21 I'm the Watershed Manager for Albemarle County,
22 Virginia. Thank you for the opportunity to comment, and
23 I do have a comment that fits maybe the broader
24 environmental theme. Also, the water supply theme.

25 In the drafts of the James River

1 tributary strategy, it was reported that sediment
2 reductions, sediment load reductions, to the Chesapeake
3 Bay from the James River have been far below what would
4 be hoped. The Central Piedmont Region of the James
5 River has been identified as a disproportionate source
6 of sediment, a very high yield per landscaped area of
7 sediment. Probably the most troubling statement made in
8 those drafts is that potentially the largest source of
9 sediment is the stream banks themselves rather than
10 sediment being generated directly from the landscape.

11 The reason that's particularly
12 troubling is that, first of all, that sediment that's
13 coming from the stream bank could have been sediment
14 that was deposited during the era of deforestation into
15 the floodplains and now it's being eroded and
16 transported out which means that it's affected earlier
17 land uses rather than current land uses.

18 On the other hand, our strategies as
19 localities and in the state for dealing with sediment
20 reduction are mostly landscape-oriented best management
21 practices. The concern is if a large portion, and some
22 studies say that that stream bank source can range from
23 as low as 5 percent to more than two-thirds of the
24 sediment load in a river, if we're at the higher end and
25 we're applying our effort to the landscape rather than

1 the stream banks, then we both have unrealistic
2 expectations about the benefits we're going to get out
3 of our BMP's and the potential sort of misapplication of
4 our funds.

5 Sediment is a tremendous problem. As
6 you know, in the Chesapeake Bay there's a problem with
7 turbidity and submerged grasses. Coming closer to home
8 as the person who helps to develop projects to protect
9 water supply, our major reservoir, the South Fork
10 reservoir, fills at about one or one and a half percent,
11 and it loses about one, one and a half percent capacity
12 per year. It's about 13 million gallons a year. Of
13 course, also in the streams, themselves, habitat for
14 biota is damaged and destroyed by these high sediment
15 loads. There's a lot of concern with addressing the
16 sediment question. My concern is whether we're
17 addressing it correctly.

18 The issue of understanding where the
19 sediment is really coming from is really one that is
20 beyond the means of a local government. To answer that
21 question, I think it requires a fairly sophisticated
22 study, maybe coring of flood plains, maybe very
23 detailed upstream/downstream sediment sampling, both of
24 which are very complex and beyond what our local
25 government is going to do. It's really an area where we

1 need the help of the State and federal government to
2 come up with answers to these questions so that in the
3 future we can develop realistic expectations for our
4 sediment reduction strategies and target them and
5 develop strategies so that it will give us the best bang
6 for our buck and achieve the water supply and
7 environmental gains we would like to achieve. Thank you
8 for the opportunity to comment.

9 MARK MANSFIELD: There was mention
10 about the sediment loads as an impact on water quality
11 in the Bay. How about such things as landfills and
12 storm water runoff? Are those issues that you all are
13 grappling with, that you feel like there is some federal
14 assistance that could be provided there in terms of your
15 water quality needs? I see some heads shaking, but are
16 there any particulars that someone might be interested
17 in that we could pursue further?

18 I guess think a little bit more
19 geographically expanded area than maybe just the city or
20 county, for example, if you represent a city or county
21 that you live or work in. For example, it was mentioned
22 about the sediment loads. If there was something that
23 the federal government could be involved in in terms of
24 identifying characterizing where these sediments are
25 coming from. The similar situation as regards to

1 landfills and storm water runoff. Are there areas
2 outside or maybe your particular area that you live in
3 that you feel like might be a role a federal government
4 might have to look further into?

5 KEITH BURGESS: Once again, Keith
6 Burgess. Since nobody else seems to want to comment,
7 hopefully, you'll all let me comment again on several
8 issues this time.

9 One of the things you just mentioned
10 about storm water runoff, many of our developing areas,
11 not only Goochland and Powhatan Counties, but we've got
12 a lot of channel erosion that has occurred due to
13 previous land uses, and now we have development coming
14 in, and we've got natural eroding channels, and the
15 development community has looked at us and is saying
16 you're trying to make us stabilize an existing problem
17 that you've already got. Why are you making me correct
18 a natural occurring problem, a problem that's been there
19 for 20 or 30 years. We are grappling with that, trying
20 to determine who should be responsible or whether or not
21 anybody should be held responsible for trying to
22 stabilize an existing problem.

23 Changing directions just a few
24 minutes. I've heard people talk about water quality and
25 sediment and loading and flood control. There are

1 several other issues. One of them is that as
2 communities develop, we're looking at putting
3 restrictions or certain types of land use have
4 restrictions. I know working with water and soil and
5 conservation districts, working with the agricultural
6 community there are several rules and regulations that
7 the agricultural community has to follow. Several
8 people talked about water quantity. We can't forget
9 that we start talking about maintaining a flow in the
10 river that we have people up and down the river using
11 the river as a source of water for irrigation purposes,
12 and these people have been using that water for years
13 and years, and now they're being put under the threat of
14 not being able to use that for food production, as well.

15 Also, as our communities develop, and
16 we've been working with the TMDL's are now coming up,
17 we're trying to address some of those issues, and I feel
18 like we have some streams that are on there in our
19 community due to low dissolved oxygen levels. We feel
20 like it's because it's a natural occurring problem, but
21 yet we've got DEQ and other agencies saying you've got
22 to correct that problem or we're going to come in and
23 mandate what you can and can't do in that watershed.
24 Well, if it's a natural occurring problem, are we going
25 to spend millions of dollars to put in systems on a

1 naturally impaired stream because it's \$20 a swamp.
2 What can we do there?

3 There's several issues just relating
4 to water quality and land use that I don't know if this
5 is the time or the place or method to address it, but
6 when we look at land uses and how we're going to protect
7 the James River and its many resources, as you all said,
8 you've got to get a comprehensive plan together, not one
9 that's going to benefit just one sector, not just the
10 flows in Richmond so Richmond can have their water
11 quality and water quantity but also the people that are
12 using land and that everybody is receiving the many
13 benefits from that.

14 Just throwing an item out. Richmond
15 uses a lot of water, produced a lot of biosolids, and
16 we've got to figure out a way to use that, and I know
17 the State of Virginia and many of the local
18 jurisdictions now are putting rules and regulations on
19 that and yet it's a waste. If the water wasn't there to
20 produce that waste product, we wouldn't have the waste
21 product.

22 I would hate to see us get into
23 Virginia into water rights that are going on out in the
24 Western states, in California, in particular, where
25 they're talking about cutting the agricultural community

1 out of being able to use water because of Los Angeles
2 and Sacramento where they need that water for the people
3 living there, but where are they going to get their food
4 from. There's just so many things, but I'll end at
5 that.

6 MIKE BOWMAN: Good morning. I'm Mike
7 Bowman with the Virginia Department of Conservation and
8 Recreation. Our department is the State's lead agency
9 for non-point source pollution reduction program. We've
10 heard some comments already this morning relating to
11 water quality, importance of water quality, water
12 resources, water supply on the James River and the basin
13 as a whole.

14 Following up on Steve Bowler's
15 comments relating to the James River tributary
16 strategies. In August of this year, the Secretary of
17 Natural Resources released the final goals document for
18 the James River tributary strategy. That document lays
19 out goals for sediment and nutrient reductions
20 throughout the basin to be achieved by the year 2010.

21 We in our department and other State
22 agencies, notably DEQ and the Chesapeake Bay Local
23 Assistance Department, will be working with stakeholders
24 around the basin in coming months to develop detailed
25 and specific strategies on how to go about meeting the

1 goals that have been established and certainly working
2 closely with the Corp.

3 Specifically the goal document does
4 point out that the James River does not have a major
5 dissolved oxygen problem as do some of Virginia's other
6 Chesapeake Bay tributaries. However, we do see a
7 significant sediment loading problem in the river
8 throughout the river both above the fall line and below
9 the fall line, and we also see elevated loadings of
10 nutrients, specifically nitrogen and phosphorus.

11 To that end, the goals department has
12 established annual loading reductions to be achieved by
13 the year 2010 of 13.2 million pounds of nitrogen, which
14 is a 32 percent reduction from levels back in 1985; a
15 2.4 million pound reduction for phosphorus; and again,
16 that's a 39 percent reduction from 1985; and slightly
17 under 200,000 tons per year for sediment. That equates
18 to about a 9 percent reduction.

19 We've heard some already this morning
20 about the importance of the reducing sediment loadings
21 to the basin. Keith Burgess a moment ago also mentioned
22 TMDL, total maximum daily loads. This is a section
23 under the Federal Water Act that has undergone a lot of
24 litigation by some environmental and conservation
25 organizations against the EPA over the last several

1 years in the James River.

2 In 1998, the impaired waters list
3 prepared by DEQ identified more than 50 river or stream
4 segments throughout the basin that are impaired for
5 various reasons. Many of those were related to
6 non-point source, pollution sources, whether they be
7 elevated nutrient loading such as nitrogen or fecal
8 coliform loadings. We also heard in some cases
9 dissolved oxygen in some of these systems perhaps
10 related to natural conditions.

11 In order to develop and implement
12 TMDL's, which is a requirement of federal regulations
13 that the states must follow, we have to develop
14 partnering relationships with stakeholders in individual
15 basins and also with groups such as the Corp.
16 Certainly, water supply does come into this equation.
17 Water supply, plus concentration, is going to lead to
18 conditions that we measure in the river and throughout
19 the streams and the basin.

20 So hopefully from our department's
21 standpoint we can work together as partners to look at
22 some of these very important water quality and water
23 resource issues. Thank you.

24 PATRICIA A. JACKSON: Good morning.
25 I'm Patti Jackson. I'm the Executive Director of the

1 James River Association. I apologize for getting here
2 late. It's getting increasingly difficult to navigate
3 your way into the City of Richmond as trucks overturn
4 and roads get torn up. I'm finally here.

5 I hope I'm understanding the format
6 from listening to a couple of speakers. Are you just
7 looking for ideas right now at this point? We're just
8 sort of brainstorming a little bit? Okay. Good.

9 Well, we've got a lot of issues. I
10 don't want to take too much time, but I think one of the
11 biggest concerns for us is as an environmental
12 organization looking at some of the demands of the James
13 River, obviously, they continue to increase, and there
14 doesn't seem to be any entity of the federal or the
15 State level that is looking at the cumulative impacts of
16 all of these pressures, pressures both in terms of water
17 withdrawal and also in terms of wastewater discharges to
18 the river and what the cumulative impacts of those are.

19 I was just at a Water Control Board
20 meeting yesterday and addressed the same thing during
21 the public forum. Part of the agenda with the State
22 Water Control Board, they had two permits on their
23 agenda yesterday, one for a large power plant on the
24 Eastern Shore of Virginia that has a huge ground water
25 withdrawal demand, as well as some air pollution issues,

1 but those two decisions are being made independently of
2 each other. It doesn't make any sense.

3 The garbage port in Charles City
4 permit was on there, which was the topic that I was
5 there for, and the two issues there have to do with how
6 do you manage waste with some regulations that have not
7 yet been finalized from some legislation passed by the
8 State two and a half years ago and at the same time
9 protect water quality from a facility that is dredging
10 and disposing of dredge materials from the Corp of
11 Engineers among others.

12 These issues are all cumulatively
13 impacting the resources of the river, and no agency is
14 looking at all of these impacts. These piecemeal
15 decisions are killing our resources. Until somebody
16 takes it upon themselves to look at the cumulative
17 impact of the local and the regional and the State and
18 federal decisions that are impacting the James River,
19 we're going to kill it over time because not only at the
20 same facility is garbage going to be brought in from
21 increasing amounts from out of state, and that will
22 probably double in the next year when New York closes
23 their landfill, but we're also going to be bringing in,
24 guess what, dredge material from the Potomac.

25 The initial numbers I saw from a

1 dredge material were not particularly encouraging to me
2 because I saw some arsenic numbers that were higher than
3 acceptable levels. Not only are we being expected to be
4 dealing with our own issues on the James, but we're
5 expected to deal with other community issues or disposal
6 items whether it be trash or whether it be dredge
7 material.

8 In terms of water supplies, there
9 are, obviously, very increasing demands for water
10 withdrawals not only as population grows but also
11 because the municipalities continue to have problems
12 cooperating with each other in having regional water
13 supplies because the State continues to put their head
14 in the sand and refuses to address the whole issue of
15 water supply statewide. So we continue to have
16 communities like Newport News and King William fighting
17 or different localities fighting with each other over
18 water and the State taking no position and the federal
19 agencies taking their turns intervening whether it's EPA
20 or the Corp because of the continued problems with
21 resource losses and the need for water.

22 On top of that, the deregulation of
23 the power industry now is going to put even more demand
24 on the James River and other water resources because --
25 tributaries to the James because as cogeneration plants

1 continue to pop up all over the state, they will have
2 increasing water needs. In the immediate area of the
3 James, the Richmond area, all the localities are
4 competing for microchip plants which they think will be
5 a panacea in terms of local development but will put
6 additional requirements on the James for water
7 withdrawal but also producing significant amounts of
8 wastewater that will either be pretreated at municipal
9 systems and then discharged back into the river or
10 potentially discharged to the river after treatment at
11 those plants.

12 So at some point it would be helpful,
13 I think, to have, and I don't know if the Corp is the
14 right agency, but somebody to take a comprehensive look
15 at how all these competing demands can be addressed and
16 the cumulative impacts of them can be addressed in terms
17 of how do we protect the resource.

18 We're looking more at protection of
19 water supplies and protection of the watershed through
20 initiatives that we've undertaken for repairing buffer
21 planting, working with land, private landowners along
22 the river to plant trees as their buffers, and we're
23 also advocating conservation easements as a way to
24 protect the watershed, but as long as the local
25 governments continue to support uncontrolled growth in

1 the watershed and we continue to put more pervious
2 services in the watershed we're going to continue to
3 degrade the river. It's sort of a lose-lose proposition
4 as we continue to pave over the watershed.

5 Again, I think we need to have more
6 comprehensive -- we've heard some different issues going
7 on, the State tributary strategies which are tied into
8 the Chesapeake Bay program, which is a cooperative
9 effort, but it's a slow effort. From a citizen's
10 perspective, we set some goals 13 years ago that have
11 not been met yet for a 40 percent reduction of
12 nutrients. We've just now set some goals for the James
13 that took about three years, I guess, just to get the
14 goals, and they're less than satisfactory from our view
15 point because they're even lower than the goals that
16 were set for the whole Bay back in 1987, and we have
17 another ten years. So a total of 23 years to not really
18 make very significant progress in reducing nutrients.

19 We have added a sediment goal, but
20 the sediment goal is only 9 percent for the next 10
21 years. That's not very significant. Obviously, some
22 land use changes have to occur. We can't just expect if
23 we put a BMP on every square foot of land on the river
24 that we're going to solve the sediment problem.

25 In terms of a flood plan protection,

1 obviously, we've got a floodwall in Richmond. I know in
2 other parts of the country the Corp has really looked at
3 wetlands restoration and floodplain restoration as an
4 alternative to building floodwalls. Even though the
5 Corp was involved with building the floodwall here in
6 Richmond, perhaps as part of this plan we could really
7 look at alternative ways to address floods and to
8 protect floodplains and wetlands.

9 As you know, Virginia just passed
10 some non-title wetlands legislation specifically in
11 reaction to the weakening of the corp's ability to
12 manage and permit wetlands in our part of the country,
13 and we are in the process -- as a matter of fact, the
14 advisory committee is meeting right now trying to
15 develop these regulations, and there is a representative
16 from the Corp there. We're going to continue to have
17 these issues as we try to mitigate for the loss of
18 wetlands for things like new roads and developments
19 throughout the watershed.

20 Dredging is another issue. I don't
21 know if anybody has brought that up yet. I mentioned
22 the dredge material. I know the Corp is involved in
23 maintenance dredging of the channel, but there are some
24 areas that continue to erode at a very high rate,
25 particularly like the cut-through at Presqule Isle on

1 the James continues to be a big problem. That is not
2 something that was really addressed in the tributary
3 strategy as a source of sediment, but as the shoreline
4 erodes and dredging continues to occur not only in the
5 channel but also in access areas like the port at
6 Shirley, at some point I think we need to look at the
7 impacts of dredging and the disposal of the dredge
8 material within the river basin.

9 Landfills are an issue, I think,
10 primarily because of potential ground water impact but
11 also the secondary impacts I think as we continue to
12 import garbage from out of state. The prediction is
13 that that will probably double unless something is done
14 to allow the State to restrict the importation of
15 garbage. So that in particular because it is cheap to
16 transport garbage by water I think we will see depending
17 on what happens at the end of next month on the appeal
18 at the prohibition on these barges. If that is
19 overturned, then I think we will see more garbage ports
20 popping up perhaps on the James, but also on other
21 rivers.

22 As part of the Chesapeake Bay
23 agreement that was just signed in June, the overwhelming
24 theme of that was growth issues. Although there was a
25 reluctance by the executive council members to make very

1 significant commitments to growth, growth in the
2 watershed, in the James watershed, which is 15 percent
3 of the Bay watershed, continues to be a really primary
4 issue, and it kind of goes back to unless we start
5 looking at the cumulative impacts of these local
6 decisions and the State decisions to put bridges across
7 the river and more highways in the watershed and that
8 kind of thing then we're going to continue to degrade
9 the water quality of the river.

10 I don't know if anyone has mentioned
11 damages this morning. We spearheaded an effort with the
12 City and the State to provide fish passage on the dams
13 here in Richmond and were successful in completing
14 Boshier Dam fish passage last year. We're very pleased
15 with the results of that. Unfortunately, we didn't have
16 any assistance from the Corp in that. We did get some
17 other federal funds through our initiatives with the
18 State, but as I understand it, the Corp is providing a
19 great deal of assistance on the Rappahannock, the Embrey
20 Dam.

21 So perhaps you could consider -- we
22 do have seven dams on the James River in Lynchburg and
23 we have some dams and tributaries on the Appomattox and
24 the Rivanna that perhaps the Corp could see your way fit
25 to assist us with providing fish passages on those dams

1 so that we could restore those fish to their historic
2 spawning grounds. It took almost 200 years to
3 accomplish that here because the first dam was built in
4 Richmond in 1803, and we just got the fish passage in
5 Richmond in 1999. It would be nice if we didn't have to
6 wait quite so long on these other dams. So we would
7 appreciate any assistance we could receive on that.

8 That's all I have to say at this
9 point. I thank you for the opportunity to comment.

10 KRISTIN J. ARNOLD: There must have
11 been a reason why you all came here. I don't know how
12 far this goes. The reason why you came?

13 PARIMAL PATEL: My name is Parimal
14 Patel. I'm from Smithfield Foods in Smithfield,
15 Virginia. I came to see what the general public's
16 decision was regarding the watershed.

17 KRISTIN J. ARNOLD: Just came to
18 hear. Something you want to ask?

19 MARK MANSFIELD: Thanks for coming.
20 You may have heard the word stakeholder or shareholder.
21 There's no magic to that term, but it really is the
22 public in any way you want to define it, whether that's
23 somebody who works for the federal government, State or
24 local government, or is affected by policies or
25 decisions that we make. People who live and work and

1 breathe in the areas that we're involved in is really
2 useful and actually encouraged to hear from. So a lot
3 of times we have meetings out what we call in the field
4 so people have an opportunity to tell us what's on their
5 mind as opposed to sitting in a district office and
6 doing whatever it is we do in a district office, but
7 it's really useful to hear from people who live by the
8 projects and things that we're involved in.

9 Even if you don't have a comment,
10 please take away from this what other people's interests
11 are because this is really a far reaching thing that
12 affects the lives of 3 million people today, and that
13 number is growing. So, you know, through this process
14 you have an opportunity to shape and be involved in the
15 world you're going to live in tomorrow. Thank you for
16 coming.

17 KRISTIN J. ARNOLD: You know what I'm
18 going to ask. Name and what brought you here.

19 SCOTT EMRY: My name is Scott Emry.
20 I'm with the Planning Roads Commission. I do not have a
21 comment to make today because we have not formalized a
22 comment to make on behalf of our region, but we do --
23 any issues that are mentioned today are issues that are
24 discussed within our region. We've been a part of
25 tributary strategies and other items.

1 KRISTIN J. ARNOLD: So you're
2 interested. That's a good thing. Ma'am.

3 SARAH TERRY: My name is Sarah Terry.
4 I'm with Congressman Virgil Goode's congressional
5 office, and I am here really to learn what the concerns
6 of this constituency are in relation to water resources
7 and those types of issues. I'm newly hired, so I'm
8 learning.

9 KRISTIN J. ARNOLD: Interested and
10 learning. How about you, sir? This doesn't stretch.

11 KENNETH ROLLER: I'm Ken Roller. I'm
12 from Virginia Dominion Generation and Dominion Power.
13 We have interests for the facilities that we have on the
14 James River, as well as working with customers that are
15 located up and down the river, as well as users of the
16 river, other than customers.

17 KRISTIN J. ARNOLD: Just interested.
18 It sounds like there's an openness to, hey, what do we
19 need to be doing. So we've heard from some people that
20 have some opinions, and maybe some of you are starting
21 to form some opinions based on that discussion here. So
22 that's a good thing. Anyone else want to add to the
23 microphone? Are you coming on down?

24 RON VANN: Some of the people who are
25 interested are actually stakeholders. I would say

1 Smithfield Foods and Virginia Power are stakeholders in
2 the James River water basin. It's people like that that
3 need to be a part of what we're doing.

4 KRISTIN J. ARNOLD: We're glad you're
5 here. There will be further opportunity for comment.
6 Do you want to address that?

7 MARK MANSFIELD: Sure. This is
8 really what we call a seek and find kind of meeting,
9 what is or what are the interests that are out there
10 before we even make a determination as to is there some
11 way we could help. We're trying to find out what the
12 needs are first, but there could be any number of ways
13 that -- follow-ups from today's meeting could go.

14 If there is an interest in having us
15 look at some things in the way the Corp of Engineers is
16 allowed to look at, then there's a process that we would
17 go through. I guess, Kristin, we'll talk about that
18 later in the meeting; right? Is that the opportunity
19 that you'll allow later? I can go into it now if you
20 want. I want to make sure we answer the questions
21 sometime during the meeting.

22 KRISTIN J. ARNOLD: Why don't you go
23 into that right now.

24 MARK MANSFIELD: Several things that
25 the Corp of Engineers have traditionally been involved

1 in really don't apply any longer, and what we are
2 empowered to look at are comprehensive type solutions to
3 problems and needs in the basin. In the past we looked
4 at a lot of single purpose, what we call one each or
5 solving a problem in one community. Those are not the
6 types of approaches that the Corp of Engineers is
7 working toward these days. We're looking toward more
8 regional type solutions, what we use the term
9 comprehensive watershed solutions, and that's one of the
10 reasons that we're trying to identify what your needs
11 are today. Do there appear to be the types of needs
12 that we could become involved in and help cost share to
13 help solve.

14 Our involvement is really, I guess,
15 threefold: Planning, design and construction. We have
16 another complimentary role, which is our regulatory
17 program, and we want to make sure that people understand
18 what the various opportunities are that maybe we can
19 help you with.

20 This comprehensive watershed approach
21 that I mentioned might be something that is of interest
22 to the stakeholders in the basin. If it was of
23 interest, the process calls for us to have a
24 congressional authorization that would allow us or
25 authorize us to help participate in that study.

1 Normally, that's done as through a local sponsor, not
2 paid for at that point, no financial commitment by a
3 local sponsor but someone who is able to provide a
4 letter of intent which is necessary for us to be
5 authorized to study problems.

6 If we do receive a letter of intent,
7 then we're authorized and Congress could provide money
8 for what's known as a reconnaissance study. The
9 reconnaissance study would identify the problems and
10 needs linking them to specific federal involvement and
11 moreover identifying someone who is willing to cost
12 share with us in the solution of those problems.

13 Every authority that the Corp of
14 Engineers has in its civil works toolbag has some type
15 of cost sharing associated with it, whether it be study
16 or design or construction. We work for the
17 administration, but we're very responsive to Congress.
18 So our money really is appropriated by Congress, and the
19 requirement is that we have some valid non-federal
20 sponsor, which we call local, a local sponsor, that
21 could provide a letter of intent allowing us to do this
22 type of work.

23 So it's really a Step 1, which is to
24 find out your needs. Step 2, to try to find some
25 authorities that match those needs, either in short,

1 intermediate or a long-term program; and three, to apply
2 those authorities and come up with solutions that would
3 result in improvements to your needs. Basically, that's
4 the process that we go through.

5 KRISTIN J. ARNOLD: Other questions
6 on the process?

7 SCOTT EMRY: Could you describe what
8 follows the reconnaissance studies?

9 MARK MANSFIELD: Sure. The
10 reconnaissance study is the first phase. As I
11 mentioned, there's two phases. The first phase is
12 called feasibility. Feasibility is a process where we
13 look at solutions to problems, and we may come up with a
14 number of alternative solutions to a number of problems,
15 but the feasibility phase is a cost-shared effort that's
16 50 percent funded by the federal government and
17 50 percent funded by some non-federal agency or entity
18 or entities. In other words, it could be several
19 counties and cities. It could be the State and several
20 counties and cities, et cetera, but it has to be a
21 non-federal sponsor.

22 Then the other piece to the
23 non-federal sponsorship is that the -- there is an
24 allowance for what we call any kind of services. In
25 other words, the non-federal sponsor could provide some

1 of its own technical expertise to supplement that that
2 we have. There could be technical resources that you
3 bring to the study process, but 50 percent federal,
4 50 percent non-federal. Generally, the feasibility
5 phase would determine what types of projects, if you
6 will, could be constructed, when they will be
7 constructed and whose involvement would be in their
8 construction.

9 The main term that we use throughout
10 what we do is a project management business process, and
11 that results in a project management plan for every one
12 of the jobs that we become involved in. We have a
13 project manager assigned to each job as it becomes a
14 job, and Brian Rheinhart, who was introduced earlier, is
15 the project manager for the James River. We assign a
16 project manager as part of our business process, and the
17 first stage is to develop that project management plan
18 as part of this reconnaissance phase, and that would
19 lead into your feasibility phase of study.

20 Several people alluded to the
21 Richmond floodwall project. That's essentially what we
22 did in the construction of the floodwall project. We
23 worked into a feasibility phase where the City of
24 Richmond was our local sponsor or partner in that
25 effort, and then detailed designs were produced for

1 alternatives to ameliorate the flooding problems that
2 the City has experienced. I think there were three
3 major ones over the last, what, '69, Charlie?

4 CHARLES L. DUNN: '69, '72 and '85.

5 MARK MANSFIELD: We worked with the
6 City to design a means to protect the lives and
7 properties that are in the City of Richmond from that
8 recurrent flooding, and then the federal government
9 brought money to bear to help in the cost of
10 construction for that project. So a very similar type
11 process we would go through for other projects.
12 Basically, planning, design, construction.

13 Let me add one more piece. When we
14 finish these jobs, we don't just construct them. There
15 also is an operations of a facility, operations and
16 maintenance. So in the case of the Richmond floodwall,
17 for example, we work very closely with the City to
18 produce what's called an operations plan. Once that
19 facility is turned over to a local sponsor, it's not
20 just a matter of saying here's the keys to the new car.
21 There's also an operations manual that says how are we
22 going to operate this manual or using this manual how
23 are we going to operate the facility. When we have a
24 flood, for example, how do we operate it, how do we
25 close the gates, who is called at what time, what

1 resources operate on the maintenance of the facility.
2 So planning, design, construction, operation and
3 maintenance, full service.

4 KRISTIN J. ARNOLD: Other questions
5 about the project?

6 BILL SORRENTINO: How long does it
7 take?

8 CHARLES L. DUNN: Might as well let
9 them know now.

10 MARK MANSFIELD: The time for each of
11 the phases, if we move into the reconnaissance phase,
12 that is generally one year, and that one year includes
13 the development of what's called a 905 (b) or a
14 reconnaissance report. It also allows time for a
15 negotiation with local sponsors to finalize a project
16 management plan such that a sponsor is willing to go to
17 feasibility.

18 The next phase is feasibility. That
19 can run up to three years, but it's sculptured based on
20 the needs of the project. If we identify a shorter time
21 frame, we're also looking to do that. Design, again,
22 dependent upon how elaborate the solution is, could take
23 a year to a year and a half; and construction, again,
24 would be dependant upon the type of project or projects
25 that would result from the investigations.

1 Maybe Richmond might be a good idea
2 to explain how that process worked beginning, I guess,
3 Charlie, with the design phase and construction. You
4 live it every day. If you would share with your
5 colleagues here the experience, but there generally is
6 about one year for recon and about two or three years
7 for feasibility. The construction phase, you have a lot
8 more experience than I do. Do you want to share that
9 with the group?

10 CHARLES L. DUNN: Charlie Dunn, City
11 of Richmond. I'm not sure you really want to hear what
12 I have to say about time. Let me phrase my remarks very
13 carefully here for the people that are possibly out here
14 that don't have any experience in this kind of thing.

15 The Corp are great people to work
16 with. Our experience with the Corp on the downtown
17 floodwall and the water filtration plant floodwall have
18 been really great. We couldn't ask for better
19 cooperation, better working relationships than we've had
20 with the Corp. This is not to say we don't have the
21 same as far as maintenance on the James River downstream
22 from the 14th Street Bridge because you all do a bang-up
23 job there and do work with us.

24 I am willing to say that we don't
25 want to look at the downtown floodwall as a time frame.

1 That was a monster. Like you said, our first flood was
2 in '69. We actually requested federal participation in
3 flood protection in '72, and the floodwall was finished
4 in '96. So that doesn't give you a very delightful kind
5 of time frame to look at; but a more reasonable project,
6 I think, would be the one that we have underway now, the
7 expanse in the Deep Water Terminal Turning Basin. That
8 project is beginning the design phase now as the City
9 finishes its survey on the other side of the river, and
10 that project is moving along very, very rapidly. The
11 time frame has improved greatly.

12 I think the one year on the
13 feasibility is -- excuse me. Recon. Thank you, Brian.
14 Recon is very good. Although, on a project such as the
15 James River basin, there's many, many issues that you
16 have involved here that really may not be realistic, and
17 you're probably talking in terms of two years.

18 Of course, when you move on to
19 feasibility it depends on the options that are out
20 there. There is a dam here, a dam there. It's just
21 enumerable the options that are available to you. Each
22 individual site is probably going to have to have its
23 own feasibility study. So it could go for a long period
24 of time before the last option is considered and
25 determined what to do, but the first one certainly three

1 years is easy to do. We're finding it down in Deep
2 Water Terminal it's moving much faster than that. We're
3 in the design phase, like I said, already. Hopefully
4 within a year we might be able to get that under
5 construction if all things go well. From that
6 standpoint on, I think that answers your issues.

7 There is something else I would like
8 to bring up. Patti Jackson was, bless her heart, was
9 most favorable in bringing up the issue in sort of a
10 backhand way of what's happening downstream from
11 Richmond. The City of Richmond is the non-federal
12 sponsor for the James River from Newport News to
13 Richmond. So we do have an ongoing partnership with you
14 on that part of the James River. Our real problem
15 becomes in dredging, which is the navigation issue.

16 Anything we can do to stop sediment
17 from coming down river is going to help not only the
18 City but the Corp because the expense of dredging the
19 James River is yours and not ours. All we have to do is
20 find you a place to put it from, I believe, city point
21 upriver. Down from city point it's in river disposal.
22 We have sites there that are available.

23 Patti also brought up the movement of
24 the material from the Potomac River for the Woodrow
25 Wilson Bridge to the James River basin. If you all

1 aren't really aware directly where that's going, it's
2 going to the Shirley Plantation, and that's going to
3 cost you money because what happened in that, according
4 to the newspaper, is Shirley Plantation worked an ideal
5 solution with them, and they're going to be paid \$5 a
6 cubic yard for placement of that material at Shirley
7 Plantation. Our last agreement with Shirley Plantation,
8 put material there at Shirley Plantation, was 75 cents a
9 cubic yard. So you can see what that's done to your
10 costs in the future. It's just going out of sight.

11 The last thing is something I think
12 maybe the Corp could give us a hand with. As you all
13 well know, the disposal sites along the James River --
14 excuse me. We should be using placement sites now. The
15 placement sites down river become few and far between.
16 So there are two options to us. One is continue to use
17 the sites that we have, most of which have limitations
18 on them. We can get some of those limitations changed
19 but not always. So it's become increasingly difficult.

20 The City, as you may know, has
21 attempted to find means of expanding uses, and we do
22 have a contract with one firm to remove material from
23 the Deep Water Terminal disposal site. Although, that
24 has not come into fruition yet. We need to find other
25 people who may have a use for this material and

1 assistance in providing access to these sites to get the
2 material out once it has drained.

3 We had one disposal site downstream
4 where the owner would like to take that material and
5 provide a use for it. He has a use for it, but he can't
6 get to it because the site is surrounded by wetlands.
7 He can't get an approval, or the approval process to get
8 to it just far outweighs the cost of getting the
9 material out. Even if he took it back out the same way
10 it was put in, i.e., by way of the river, the cost is
11 still prohibited.

12 So can you find us ways to help empty
13 some of these sites? Can you find a use for the
14 material? Right now we know of only one use for the
15 material. If you can find some more or possibly even
16 find us a market for it, we'd certainly look forward to
17 working with you on that and try to help make the sites
18 more available that we do have currently in hand. Thank
19 you.

20 MARK MANSFIELD: Charlie, I guess in
21 answer to the question about the time that it takes,
22 what I'm hearing from Charlie is really that it depends
23 on the complexity and the type of the project that
24 you're talking about. On the one hand, the Deep Water
25 Terminal is one that's moving along very quickly. Our

1 total involvement in that might be maybe two years from
2 the day we sign an agreement until we're ready to dredge
3 the turning basin. On something more complex like a
4 floodwall, Charlie mentioned his experience at least
5 began in '70; is that right?

6 CHARLIE L. DUNN: '72.

7 MARK MANSFIELD: So it really does
8 depend on the complexities of the project or output that
9 might come about.

10 KRISTIN J. ARNOLD: Mark, where we
11 are right now is kind of in the pre-reconnaissance
12 phase. So we haven't even started the reconnaissance
13 phase. This is more of an outreach to find out is there
14 a need to move into a reconnaissance phase and what
15 would that reconnaissance phase look like, who needs to
16 be involved, that type of thing. Have I got that right?

17 BILL SORRENTINO: Absolutely. You
18 hit right on it. I noticed that quite a few people did
19 not sign in as they came into the room. A quick
20 headcount shows about 70 some people in the room. Could
21 you give me a show of hands, please, just so I know,
22 generally, what areas you all are from. If you're from
23 State government, would you raise your hand.

24 KRISTIN J. ARNOLD: Nine.

25 BILL SORRENTINO: How about local

1 county government?

2 KRISTIN J. ARNOLD: Thirteen.

3 BILL SORRENTINO: We have someone
4 from the congressional office. Anyone else from the
5 congressional office? How about private, just a John Q.
6 Public, private citizens interested in the proceedings?
7 We have one person. How about private business?

8 KRISTIN J. ARNOLD: Twenty. Have we
9 missed somebody? Regional, federal government.

10 BILL SORRENTINO: Federal government.

11 KRISTIN J. ARNOLD: And conservation
12 groups.

13 BILL SORRENTINO: Conservation
14 groups.

15 KRISTIN J. ARNOLD: Wastewater
16 Treatment Agency.

17 BILL SORRENTINO: Okay. That gives
18 us an idea of who's in the room. Thank you.

19 KRISTIN J. ARNOLD: Can I take
20 another poll?

21 BILL SORRENTINO: Absolutely.

22 KRISTIN J. ARNOLD: Some of the
23 possible areas of interests that were identified in the
24 invitation, taking a look at this list, I'm just curious
25 because many of you came wanting to know what was going

1 on, area of interest, open-minded. Maybe it would be
2 helpful to just get a straw poll of these areas of
3 interest, where do you think the Corp should look
4 further. I mean, this is just kind of a reaching out to
5 find out where you're interested if we could -- just go
6 down this list, and maybe there's something you want to
7 add. If you're interested in finding out more about
8 these issues, if you could raise your hand. Would that
9 be helpful?

10 BILL SORRENTINO: Absolutely.

11 KRISTIN J. ARNOLD: I'm just going to
12 start at the top. Elaine, can you help with this one?
13 Water supply distribution, 23. Water quality, 26, 27.
14 Environmental restoration enhancement, 19. Recreation
15 issues, eight. Flood damages reduction, 12.
16 Navigation, six. Hydroelectric power, five.

17 Do we need to add anything? Any
18 other issues, areas of concern that you have?

19 UNIDENTIFIED SPEAKER: Question.
20 Would water supply and distribution be the same thing as
21 drought mitigation?

22 KRISTIN J. ARNOLD: Water supply
23 distribution the same as drought mitigation.

24 MARK MANSFIELD: Yes.

25 KRISTIN J. ARNOLD: Anything else?

1 Yes, ma'am.

2 PATRICIA A. JACKSON: You ought to
3 include aquatic species and habitat. That brings in not
4 only the migratory fish but also the native species.

5 KRISTIN J. ARNOLD: Aquatic species
6 and habitat.

7 MARK MANSFIELD: Can we use a couple
8 words that might capture all of that? Either
9 conservation or restoration environmental resources.

10 PATRICIA A. JACKSON: No. I see you
11 have environmental restoration up there. That can mean
12 a lot of different things.

13 MARK MANSFIELD: How about ecosystem
14 conservation or restoration?

15 PATRICIA A. JACKSON: That's fine.

16 MARK MANSFIELD: Would that be a
17 broad enough term?

18 PATRICIA A. JACKSON: Yes.

19 KRISTIN J. ARNOLD: Any other
20 questions that you have, comments? Anything you would
21 like to add?

22 BILL SORRENTINO: Mark, why don't we
23 talk about --

24 TOM WILCOX: Tom Wilcox, Virginia
25 Department of Gaming and Fisheries, Environmental

1 Services Section.

2 I wanted to come up following Patti
3 just to echo a few of her comments, as well. One was
4 because our agency is mandated for protection of all
5 wildlife species, we would like to begin to look at
6 alternatives to flood structures. We are providing an
7 emphasis on the importance and value of floodplains.

8 As a person that sits at his desk
9 often reviewing water withdrawal projects independent of
10 other things that may be going on within the basin, I,
11 too, as Patti stated, would like to see a more
12 comprehensive approach to water withdrawal, water supply
13 basin-wide so that as an agency we can more effectively
14 review these types of projects.

15 In addition, because our agency has
16 in the past provided a lot of effort in the aspect of
17 fish passage, our agency would like to see studies done
18 that looked at additional dam removal within the James
19 River basin, especially unused dams or abandoned dams.
20 We continue to work with the Corp with the dredging
21 issue in the lower part of the James River. We've been
22 with the Corp in ongoing discussions concerning impacts
23 to resources in our jurisdiction.

24 Lastly, I just want to mention the
25 Virginia, the Eastern Virginia Birding Trail. It's

1 partially being funded now by T 21 dollars. It's a
2 project that's been initiated by our agency to help
3 expand wildlife options in the state. Our agency is
4 also looking to the Western part of the state to develop
5 a similar type trail. We perhaps would like to see some
6 effort there for a study to look at a type of
7 recreational or enhancement type of effort in that part
8 of the basin, as well.

9 MARK MANSFIELD: I guess a question
10 that's probably on most people's mind given all of the
11 opportunities that have been expressed here, how do we
12 move forward from here. In order for the federal
13 government to be of assistance, I think I mentioned
14 earlier that we would need a non-federal sponsor for one
15 or more of these problems and opportunities that have
16 been identified. I say one or more because one can be
17 done based on a number of standing authorities we have,
18 but if someone is interested in a comprehensive, which
19 is a word that I've heard mentioned a number of times
20 today, comprehensive basin approach, we would need
21 somebody, a non-federal sponsor, to indicate through a
22 letter of intent that is non-binding financially but a
23 letter of intent that you would like the federal
24 government to look at the problems and needs in this
25 reconnaissance type investigation. That's basically the

1 approach that we take on all of our studies and jobs.

2 Just to give you an analogy, we are
3 doing the same thing on the lower Rappahannock River.
4 Someone mentioned earlier the Embrey Dam up in
5 Fredericksburg. We are using or did use that same
6 process for the examination of the Embrey Dam and the
7 environmental opportunities on the Rappahannock River.
8 It began with someone being interested in the problem
9 enough to give us a letter of intent. In the case of
10 the upper Rappahannock, that was the State and three of
11 its localities, three cities and counties. On the lower
12 Rappahannock, we're looking at possibly 12 counties
13 and/or the State being a sponsor for that effort.

14 So what we would need is a letter of
15 intent from a non-federal sponsor, preferably the State,
16 city or county, to allow us to show Congress that there
17 is a federal interest in moving forward with a
18 comprehensive basin study. Kristin.

19 KRISTIN J. ARNOLD: Any final
20 questions, comments? What happens from here is that
21 your comments are taken, it's transcribed. The
22 transcription will be put on a web site. Do we know
23 what the web address is so that you can see what was
24 said?

25 BILL SORRENTINO: Yes. Sure do. The

1 web site address is www.NAO.USACE.army.mil.

2 CHARLIE L. DUNN: When?

3 BILL SORRENTINO: How long for the
4 transcript?

5 KRISTIN J. ARNOLD: Probably about a
6 week you should see it up there. And then --

7 UNIDENTIFIED SPEAKER: Question on
8 the web page again. Is it NAO.USACE?

9 BILL SORRENTINO: NAO.USACE.

10 PATRICIA A. JACKSON: Because you had
11 this meeting at 10:00 in the morning on Wednesday,
12 obviously, most citizens cannot be here. I would hazard
13 that many of them didn't know about this meeting. Would
14 there be an opportunity to have an E-mail address for
15 people to submit comments?

16 BILL SORRENTINO: I think that's a
17 wonderful idea.

18 MARK MANSFIELD: Absolutely. Thank
19 you.

20 PATRICIA A. JACKSON: Can you put
21 that on the web site?

22 MARK MANSFIELD: I think we can put
23 that on the web site for people to access. That's an
24 excellent suggestion.

25 BILL SORRENTINO: Brian, do you want

1 to give the audience your E-mail address?

2 CHARLIE L. DUNN: That's all right.
3 I've got Jeff's and Brian.

4 BRIAN RHEINHART: It's almost like
5 the web site. It's Brian.K.Rheinhardt@USACE.army.mil.

6 KRISTIN J. ARNOLD: Anyone need that
7 repeated?

8 BRIAN RHEINHART: Brian.K.Rheinhardt@
9 USACE.army.mil.

10 KRISTIN J. ARNOLD: Anything else?

11 MARK MANSFIELD: Yes. I have one
12 thing. I know in Bill's mind, because he just mentioned
13 it to me, we are not out marketing for work. I really
14 don't want to give you a hard sell. That's why I
15 purposely haven't, you know, beat on that. What we are
16 about though is solving problems. In that regard, we
17 didn't ask for anybody to stand up and say this morning,
18 yes, I would absolutely like to be a sponsor for a
19 reconnaissance study. I'm going to do it a little bit
20 softer than that.

21 As part of the response to Brian and
22 our web site, if you have a particular interest that you
23 would like and feel like a letter of intent from a valid
24 organization might help that process move forward,
25 that's what we react to. Okay. We really are funded by

1 Congress.

2 So I would ask you if you are a
3 state, county or regional agency who are generally our
4 local sponsors, that you feel like through this
5 discussion today there is a particular area in this
6 comprehensive type basin analysis that you're interested
7 in, please drop us a note. I realize that a lot of
8 people that are here are not going to make a decision
9 today. Oftentimes that's discussed further back at the
10 office in terms of the particulars, but if there is a
11 interest in moving this forward, please drop that note
12 and the response to Brian.

13 RON HAMM: May I comment on your
14 comment? We mentioned some of the projects -- Ron Hamm.
15 We mentioned some of the projects in the '60s or '70s
16 that did not go forward at such a fast speed, but at
17 that time there was no requirement for a cost sharing
18 partner. Where we have got the most success is where we
19 require cost sharing partners because the Corp of
20 Engineers can't go foreward unless you have a partner
21 that's willing to put something on the table. If you
22 notice these projects where we had no cost sharing,
23 we've had very little action. So cost sharing has
24 actually given us fewer and better projects.

25 So, you know, there's some people who

1 want to work with us to solve some real problems. I see
2 Tom Wilcox here working on the James, but we work with
3 partnership there. As a result, we know more about the
4 dredging, but maybe he's learned more about the fish and
5 what's really happening. There's some other areas
6 that's been mentioned today like let's learn more about
7 the cost and effect relationship so when we spend money,
8 we can be more effective. Maybe we're not looking in
9 the right place. We're talking about sediments on banks
10 as opposed to non-point source.

11 There's a lot of opportunities out
12 there, but it does take some resources. What we're
13 saying is that's what's required, and I think we would
14 actually get more for our money if we do that. Thank
15 you.

16 KRISTIN J. ARNOLD: Charlie, were you
17 going to add something?

18 CHARLIE L. DUNN: Sponsorship for
19 reconnaissance. What if the James River Basin
20 Association came in as a sponsor for the reconnaissance
21 because then you can determine what the projects are
22 that might be feasible and then in the feasibility study
23 we could get the local jurisdictions and/or the State to
24 sponsor the feasibility of cost sharing portion. Most
25 of the local jurisdictions, Richmond, Lynchburg and the

1 counties are part of the James River Association anyway.
2 If that would work as a possibility -- I see a yes here
3 and a no there.

4 MARK MANSFIELD: I'm sitting in the
5 middle, so I'll say maybe.

6 CHARLIE L. DUNN: That might solve
7 some of the problems and get us off the board. Patti, I
8 don't know how you feel about that, but that looks like
9 to me an easy and quick way to get started.

10 PATRICIA A. JACKSON: I think it's a
11 possibility. Something to consider.

12 MARK MANSFIELD: Let me just say what
13 we do know we have done, and we would be glad to look
14 into the possibility of the basin association serving as
15 a sponsor. The other projects that might be similar to
16 this in terms of its comprehensive nature have had
17 combinations of the state and cities or counties. We
18 certainly would be willing to look into the basin
19 association as a potential.

20 PATRICIA A. JACKSON: Terry wants to
21 clarify that there's actually two groups. I'm with the
22 James River Association, which is a non-profit
23 association. Terry is with the James River Basin
24 Association, which represents industries and localities
25 that withdraw water from the river. I think Charlie

1 meant us but --

2 MARK MANSFIELD: Yes. They are JRBA
3 and JRA.

4 TERRELL J. REID: I would like to
5 make that distinction, but I would also like to say that
6 we do have some of the same goals and that is to improve
7 and enhance and conserve the natural resource of the
8 James River.

9 Again, I'm a little confused in my
10 mind. The James River Basin Association has already had
11 several meetings with the Corp. I know George Cole here
12 in Richmond and myself speaking both for our localities
13 and the association, as well as the membership from
14 surrounding counties around Richmond, have already
15 requested that we do a reconnaissance study and water
16 supply study. I thought we had something moving on that
17 last year.

18 MARK MANSFIELD: I'm sorry if I
19 didn't mention it. We are not involved in single
20 purpose water supply but as part of a comprehensive
21 basin analysis. We would be able to look at that, as
22 well as the aligned purpose that the group mentioned
23 today. That's what we would look into. Could we have
24 the James River Basin Association as the potential
25 sponsor for -- as we design a comprehensive study.

1 TERRELL J. REID: I think we have
2 acknowledged that because we think that a project such
3 as we have mentioned and some of the issues we have
4 mentioned all encompass these same issues such as
5 fisheries, water quality sediments, stream bank erosion.
6 All of those things benefits the projects that we've
7 talked about.

8 MARK MANSFIELD: All of those items
9 checkmarked yes.

10 TERRELL J. REID: I think we also
11 identified possible funding sources to do that from the
12 City of Richmond and others to partner in that effort.
13 So we would be very interested. We'll follow-up with a
14 letter to that.

15 BILL SORRENTINO: Mark, if we had
16 someone that gave us a letter, how long before a
17 reconnaissance starts?

18 MARK MANSFIELD: Through our normal
19 process, we work on a one-year budget cycle, and our
20 '01, fiscal year '01, 2001, begins 1 October. The
21 budget cycle that we operate under would not allow,
22 normal process, any work to be done on a recon in '01.
23 The source of that would have to be a congressional add.
24 Those are the two avenues for funding for us, the direct
25 program, which is budgeted for, or as a congressional

1 line item or add would be the --

2 BILL SORRENTINO: The congressional
3 line item or add would be the express way?

4 MARK MANSFIELD: Absolutely.

5 BILL SORRENTINO: Thank you.

6 TERRELL J. REID: Not speaking for
7 our congressional delegation, I think, certainly, we
8 would try to use our influence, as we have done in the
9 past, to ask them to make that request.

10 MARK MANSFIELD: Without an add under
11 the normal process, we would ask to budget for it in
12 '02. The only way it can be done any earlier than that
13 would be through congressional intervention.

14 KRISTIN J. ARNOLD: Anything else?

15 BILL SORRENTINO: Yes. I guess a
16 final sort of thought. I want to thank you all for
17 coming here today. We came here from the Corp of
18 Engineers because we're asked to be here. We're here to
19 collect thoughts and ideas from the people that showed
20 up. I think we've done that. Thank you for spending
21 the time to share those ideas. I hope we have given you
22 some information about the way the process would proceed
23 if it were to. So maybe we both leave here with some
24 new information. We're federal employees who try to
25 represent good government, good science, good economics.

1 So please let us know if we can assist you in any
2 further way. Thanks. Kristin.

3 KRISTIN J. ARNOLD: Thank you very
4 much for coming.

5 (Whereupon, the proceedings adjourned
6 at approximately 11:40 a.m.)

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CERTIFICATE

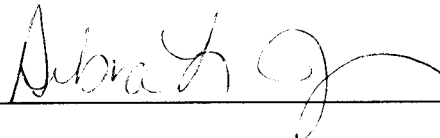
VIRGINIA:

COUNTY OF CHESTERFIELD

I, DEBRA L. JOHNSON, hereby certify that I was the Court Reporter for the James River Basin meeting, Richmond, Virginia, on September 20th, 2000, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the hearing and other incidents of the hearing herein.

Given under my hand this 26th day of September, 2000.

A handwritten signature in cursive script, appearing to read 'Debra L. Johnson', is written over a horizontal line.

Debra L. Johnson, RPR

Notary Public for the State of Virginia at Large

My Commission expires:

March 31st, 2002